S.B. Civil Writ Petition No.730/07

05.02.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. Vimal Choudhary for petitioner.
Mr. Shashank Sharma for Mr. K.K. Sharma, Addl. Solicitor General for UOI.
Mr. B.S. Chhaba, Dy. GA.

Issue notice.

Mr. Shashank Sharma accepts notice on behalf of respondent no.1 under the direction of the Court. Mr. B.S. Chhaba, accepted notice on behalf of respondents no.2 to 4.

The petitioner has filed the present writ petition with a limited prayer that till disposal of the revision petition by the respondent no.1 against the recovery orders passed by rest of the respondents or at least till decision on his prayer for interim relief by respondent no.1, the respondents no.2 to 4 may be restrained from making recovery pursuant to impugned orders. He has invited my attention to the communication dated 6.10.2006 addressed by the Revisional Authority to Secretary to the Government of Rajasthan in its Department of

Mines and Industrial Development requiring them to send comments on the revision petition of the petitioner within three months or else the matter would be decided ex-parte. He submits that period of three months has already come to an end on 6.1.2007 but so far the comments have not been send, yet the respondents are persisting in their efforts to make recovery from the petitioner thereby intending to frustrate the very purpose of filing revision petition before the Union of India.

In my considered view, even if the merits of the case are not gone into, yet the property demands that till the competent authority hears the revision petition and takes a view on the request of the petitioner for grant of interim relief, it would be unjust if the respondents are allowed to make recovery of the said amount. That would indeed amount to leaving the petitioner remedyless. I therefore deem it appropriate to direct the respondents no.1 to consider and decide the request of the petitioner for grant of interim relief within

five weeks from today. Till then the respondents nos. 2 to 4 shall refrain from making recovery of the said amount. It shall be the duty of the petitioner to place copy of this order before the competent authority within one week. This order would come to an end on expiry of five weeks.

With these directions, the present petition is disposed of.

(Mohammad Rafiq),J.

Rs/-